

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CODY RICHARD TAYLOR,
Plaintiff,

v.

JEFF LYNCH, et al.,
Defendants.

No. 2:21-cv-2413 KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis, in an action brought under 42 U.S.C. § 1983. Plaintiff renews his request that the court appoint counsel, and also seeks the appointment of a paralegal. Both motions are denied.

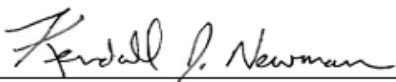
Plaintiff's motion seeking appointment of a paralegal is denied because " 'the expenditure of public funds [on behalf of an indigent litigant] is proper only when authorized by Congress,' " Tedder v. Odel, 890 F.2d 210, 211-12 (9th Cir. 1989) (alteration in original) (quoting United States v. MacCollom, 426 U.S. 317, 321 (1976)), and the in forma pauperis statute does not authorize the expenditure of public funds for a paralegal, 28 U.S.C. § 1915.

Plaintiff's first motion for appointment of counsel was denied on February 4, 2022. At the time plaintiff filed his second motion for counsel, defendants had not yet been served; thus, the procedural posture of the case had not changed. Despite the additional documentation plaintiff provided, the undersigned remains unable to determine the likelihood plaintiff will succeed on the

1 merits of his claim, and therefore denies his motion for appointment of counsel for the same
2 reasons set forth in the February 4, 2022 order. To the extent plaintiff also seeks a court order
3 that he be provided priority legal user for law library access, at present plaintiff is under no court-
4 ordered deadlines. Rather, the case will not be scheduled until after defendants file a responsive
5 pleading. Therefore, plaintiff's motion is denied.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's motions (ECF Nos. 16, 16-2) are
7 denied.

8 Dated: April 28, 2022

9 
10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE

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